C. Remarks

The claims are 1-3 and 6, with claim 1 being the sole independent claim. Claim 1 has been amended to better define the present invention. Support for this amendment may be found in Fig. 1, as well as throughout the specification (e.g., page 15). No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 1-3 and 6 stand rejected under 35 U.S.C. § 112, first and second paragraphs, for allegedly not complying with the written description requirement and being indefinite. Specifically, the Examiner pointed to a recitation in claim 1 that "the plasma processing region is in a flow path of the gas introduced from the gas introducing part".

While Applicant disagrees with the Examiner, in order to simplify claim 1, this phrase has been deleted. Accordingly, the above rejections should be withdrawn.

Claims 1-3 and 6 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,616,373 (Karner). Claims 1-3 and 6 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of Application No. 11/295,667 in view of Karner. The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicant would like to briefly discuss some of the features and advantages of the presently claimed invention. That invention, in pertinent part, is related to a plasma processing apparatus that has a process chamber, a gas introducing part, a mechanism that arranges the object in a flow of a gas and an exhaust mechanism. The mechanism arranges the object such that it is between the gas introducing part and the plasma generating region in the flow of the gas. As a result of

such a structural arrangement, the active-species concentration can be maintained at a low level and an extremely thin film can be formed on the object by the plasma treatment in a stable, controlled manner within a desired time period (see page 15, lines 7-18).

Karner is directed to a plasma CVD method for producing a diamond coating. The Examiner has alleged that the apparatus shown in Fig. 6 in Karner anticipates the presently claimed apparatus. In particular, the Examiner alleged that since the components of the apparatus in Karner have the same structural relationships as in the present claims, the plasma processing region in Karner must be in the flow path of the gas. Applicant respectfully disagrees.

In the apparatus shown in Fig. 6 in Karner, the gas introduced from the inlet arrangement 7 flows around the substrates 4 and is exhausted from the draw-off connections 72 without passing through the plasma generating area 23c. Also, while a scavenging gas introduced from the supply line 68 flows through the plasma generating area 23c, this gas is exhausted from the draw-off connections 72 without passing around the substrates 4. Clearly, in view of such movement of the gases, the components of the apparatus in Karner do not have the same structural relationships as in the present claims.

Furthermore, Karner teaches that the openings in the orifice of the distribution plate in the apparatus shown in Fig. 6 are specifically designed so that the pressure in the ionization or cathode chamber is greater than in the treatment space (see col. 9, line 65, to col. 10, line 2). Thus, the apparatus in Karner is specifically structured so that the pressure differential between the chambers does not place the plasma generating region in the flow path of the gas introduced from inlet openings 9, i.e., the gas from the inlet openings 9 does not enter plasma or ionization chamber 23. Therefore, according to

the structural arrangement of components in Fig. 6 of Karner, the mechanism does not arrange the object such that it is between the gas introducing part and the plasma generating region in the flow of the gas, as is presently claimed.

With respect to the double patenting rejection, since this rejection is only provisional and the '667 application is still pending, the rejection should be withdrawn if it is the only issue remaining in this case.

Wherefore, withdrawal of the outstanding rejections and passage to issue of the present case are respectfully requested.

This Amendment After Final Rejection should be entered, because it places the case in allowable form. Furthermore, since claim 1 has been clarified, no additional search is needed. Alternatively, this Amendment places the case in better form for a possible appeal by materially reducing or simplifying the issues for appeal (e.g., simplified claim 1).

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jason M. Okun/
Jason M. Okun
Attorney for Applicant
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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